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March 13, 2000

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MAR 14 2000

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Ms. Magalie Roman Salas, Secretary
Federal Communications Commission
The Portals
455 12th Street, S.W.
Washington, D.C. 20554

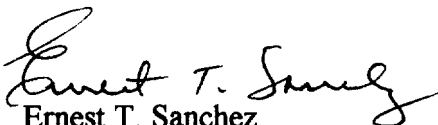
Re: Petition for Rulemaking
Amendment of Table of Allotments for FM Broadcasting Stations
FM Channel 224A. Las Vegas, New Mexico

Dear Ms. Salas:

Enclosed for filing on behalf of Sangre de Cristo Broadcasting Co., Inc., are an original and four (4) copies of its Petition for Rulemaking with respect to amendment of the Table of Allotments of FM Broadcast Stations [47 C.F.R. § 73.202(b)] to allocate FM Channel 224A to Las Vegas, New Mexico.

If there are any questions regarding this matter, please contact me.

Sincerely,



Ernest T. Sanchez
Counsel to Sangre de Cristo Broadcasting, Inc.

Enclosure

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**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of

**Amendment of Section 73.202(b),
Table of Allotments,
FM Broadcast Stations
(Las Vegas, New Mexico)**

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MM Docket No.

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MAR 14 2000
FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

To: The Mass Media Bureau

PETITION FOR RULEMAKING

1. Sangre de Cristo Broadcasting, Inc., ("Sangre de Cristo"), by its attorneys and in accordance with Sections 1.401 and 1.402 of the Commission's Rules, 47 C.F.R. §§ 1.401 and 1.402, hereby requests the amendment of the Table of Allotments of FM Broadcast Stations [Section 73.202(b)] to allocate FM Channel 224A to Las Vegas, New Mexico as the community's sixth local commercial FM service.

2. Channel 224A is currently licensed to Christian Broadcasting Academy, Inc., as a translator station at Las Vegas, New Mexico for Station KLYT, Albuquerque, New Mexico. As the Bureau is aware, translators are considered secondary services and, accordingly, are not protected against the initiation of a full service facility. *See* Section 73.512 of the Commission's Rules (47 C.F.R. § 73.512).

3. In a Notice of Proposed Rule Making adopted April 1, 1998 (MM-Docket No. 98-49; RM-9248) which concerned the allotment of Channels 268A and 275A to Las Vegas, New Mexico (a copy of which is attached), the Bureau indicated that it proposed

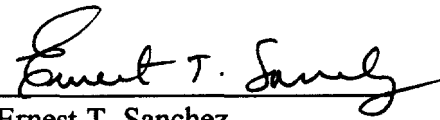
“to allot Channel 224A to Las Vegas should an expression of interest in applying for the channel be received during the initial comment period herein. Channel 224A can be allotted to Las Vegas without the imposition of a site restriction (the coordinates for Channel 224A at Las Vegas are 35-36-00 NL; 105-13-00 WL).”

Inasmuch as the Bureau has thus acknowledged the availability of this Channel, Sangre de Cristo does not believe that it is necessary to provide a further engineering analysis as an exhibit to this Petition. If the staff considers such an analysis necessary, Sangre de Cristo will, of course, prepare and file one.

4. Sangre de Cristo intends to apply for Channel 224A upon its allocation and, therefore, requests that the Commission issue a Notice of Proposed Rule Making proposing the allocation of FM Channel 224A to Las Vegas, New Mexico.

Respectfully submitted,

Sangre de Cristo Broadcasting, Inc.

By: 
Ernest T. Sanchez
Its Counsel

The Sanchez Law Firm
2000 L Street, N.W.
Suite 200
Washington, D.C. 20036
(202) 237-2814

March 13, 2000

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² We note that Channel 224A is currently licensed to Christian Broadcasting Academy, Inc. as a translator station at Las Vegas for Station KLYT, Albuquerque, New Mexico. However, translators are considered as secondary services and are not protected against the initiation of a full service facility. See Section 73.512 of the Commission's Rules.

is located 3.9 kilometers (2.4 miles) west of the community.³ Since there is an additional equivalent class channel available for other expressions of interest, we propose to allow petitioner and Meadows to amend their applications to specify Channel 268A and Channel 275A, respectively, and retain their cut-off protection. We also propose to allot Channel 224A to Las Vegas should an expression of interest in applying for the channel be received during the initial comment period herein. Channel 224A can be allotted to Las Vegas without the imposition of a site restriction.⁴

4. Accordingly, we seek comments on the proposed amendment of the FM Table of Allotments, Section 73.202(b) of the Commission's Rules, for the community listed below, to read as follows:

<u>City</u>	<u>Present</u>	<u>Channel No.</u> <u>Proposed</u>
Las Vegas, New Mexico	244A, 251C, 264C3	224A, 244A, 251C, 264C3, 268A, 275A

5. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein. In particular, we note that a showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be allotted.

6. Interested parties may file comments on or before June 1, 1988, and reply comments on or before June 16, 1998, and are advised to read the Appendix for the proper procedures. Comments should be filed with the Secretary, Federal Communications Commission, Washington, D.C. 20554. Additionally, a copy of such comments should be served on the petitioner, or its counsel or consultant, as follows:

Lee J. Peltzman
Shainis & Peltzman, Chartered
1901 L Street, N.W., Suite 290
Washington, D.C. 20036
(Counsel to petitioner)

7. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Allotments, Section 73.202(b) of the Commission's Rules. See Certification That Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend Sections 73.202(b), 73.504 and 73.606(b) of the Commission's Rules, 46 FR 11549, February 9, 1981.

³ The coordinates for Channels 268A and 275A at Las Vegas, NM, are 35-36-16 NL; 105-15-35.

⁴ The coordinates for Channel 224A at Las Vegas are 35-36-00 NL; 105-13-00 WL.

8. For further information concerning this proceeding, contact Leslie K. Shapiro, Mass Media Bureau, (202) 418-2180. For purposes of this restricted notice and comment rule making proceeding, members of the public are advised that no ex parte presentations are permitted from the time the Commission adopts a Notice of Proposed Rule Making until the proceeding has been decided and such decision is no longer subject to reconsideration by the Commission or review by any court. An ex parte presentation is not prohibited if specifically requested by the Commission or staff for the clarification or adduction of evidence or resolution of issues in the proceeding. However, any new written information elicited from such a request or a summary of any new oral information shall be served by the person making the presentation upon the other parties to the proceeding unless the Commission specifically waives this service requirement. Any comment which has not been served on the petitioner constitutes an ex parte presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment, to which the reply is directed, constitutes an ex parte presentation and shall not be considered in the proceeding.

FEDERAL COMMUNICATIONS COMMISSION

John A. Karousos
Chief, Allocations Branch
Policy and Rules Division
Mass Media Bureau

Attachment: Appendix

APPENDIX

1. Pursuant to authority found in Sections 4(i), 5(c)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and Sections 0.61, 0.204(b) and 0.283 of the Commission's Rules, IT IS PROPOSED TO AMEND the FM Table of Allotments, Section 73.202(b) of the Commission's Rules and Regulations, as set forth in the Notice of Proposed Rule Making to which this Appendix is attached.

2. Showings Required. Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed allotment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is allotted and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. Cut-off protection. The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See Section 1.420(d) of the Commission's Rules).

(b) With respect to petitions for rule making which conflict with the proposals in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to allot a different channel than was requested for any of the communities involved.

4. Comments and Reply Comments; Service. Pursuant to applicable procedures set out in Sections 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the Notice of Proposed Rule Making to which this Appendix is attached. All submissions by parties to this proceeding or by persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See Section 1.420(a), (b) and (c) of the Commission's Rules.) Comments should be filed with the Secretary, Federal Communications Commission, Washington, D.C. 20554.

5. Number of Copies. In accordance with the provisions of Section 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs,

or other documents shall be furnished the Commission.

6. Public Inspection of Filings. All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Reference Center (Room 239) at its headquarters, 1919 M Street, N.W., Washington, D.C.